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Patrick Byrne

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT HUNTER BIDEN, an
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,

Defendant.

Case No.: 2:23-cv-09430-SVW-PD
Judge: Honorable Stephen V. Wilson
Courtroom: "10A"

Complaint Filed: November 8, 2023

**DEFENDANT'S SUR REPLY IN
SUPPORT OF HIS MOTION IN
LIMINE NO. 5 TO EXCLUDE ANY
TESTIMONY OR EVIDENCE
REGARDING DEFENDANT'S
CHARACTER; MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT THEREOF**

Date: July 21, 2025
Time: 3:00 p.m.
Courtroom: "10A"

1.

**DEFENDANT'S SUR REPLY IN SUPPORT OF HIS MOTION IN LIMINE NO. 5 TO EXCLUDE EXPERT
TESTIMONY ON DEFENDANT'S CHARACTER**

TO ALL PARTIES AND THEIR ATTORNEY’S OF RECORD:

Defendant Patrick Byrne hereby files his reply in support of his motion in limine to prevent Plaintiff from introducing any character evidence:

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff’s counsel’s propensity for re-filing “supplemental” briefs that are identical or nearly identical to briefs he previously filed is a huge time-waster. Plaintiff’s “supplemental” brief here adds no new information or argument warranting the filing of this brief. Defense counsel had to waste time reading it, realizing it seemed familiar, then going back to the original opposition, only to note that the briefs are virtually identical. The only real changes include the removal of a footnote and heading. Plaintiff’s counsel’s behavior in filing these repetitive briefs, without leave of Court, increases the Defendant’s attorney’s fees, clogs the Court’s docket, and forces the Court to read something it already read. To save the Court time, Defense counsel incorporates by reference all arguments and legal authorities in the moving and reply papers as if fully set forth herein.

Defendant respectfully requests that the Court grant this motion and disregard Plaintiff’s “supplemental” brief.

II. LEGAL ARGUMENT

A. Defendant’s Motion Should be Granted.

Federal Rule of Civil Procedure(d) states:

“(d) SUPPLEMENTAL PLEADINGS. On motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.

The court may permit supplementation even though the original pleading is defective in stating a claim or defense. The court may

1 order that the opposing party plead to the supplemental pleading
2 within a specified time.”

3 Plaintiff has not sought out Court authority to file this brief. Further,
4 Federal Rules of Civil Procedure, Rule 11(b)(1) forbids the filing of papers to
5 harass opposing counsel, or to increase the costs of litigation. Plaintiff’s counsel
6 has filed several briefs during the course of this litigation that are identical to
7 previously-filed briefs. Each instance has forced Defense counsel to comb each
8 brief to see if there is any new information to which Defense counsel needs to
9 reply. This not only needlessly increases Defendant’s litigation costs by forcing
10 his counsel to engage in futile activities, but it is harassing conduct by its nature.

11 Therefore, Defendant respectfully requests that the Court deny the motion
12 and disregard the supplemental brief.

13 **III. CONCLUSION**

14 Based on the foregoing, Defendant respectfully requests that this Court grant
15 this Motion. Plaintiff concedes the motion and should not be allowed to change his
16 mind and present such evidence during the trial of this case.

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18 Dated: July 7, 2025 LAW OFFICES OF MICHAEL C. MURPHY

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20 By: /s/ Michael C. Murphy, Esq.

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22 _____
23 Michael C. Murphy, Esq.
24 Michael C. Murphy, Jr., Esq.
25 Attorneys for Defendant, Patrick
26 Byrne
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